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October 18, 2023

Via ECF

Hon. Denise L. Cote (U.S.D.J., S.D.N.Y.)

Donoghue, et. al., v. NextNav, Inc., et. al., No. 23-cv-7772-DLC

Proposed Scheduling Order re:

Extension of Defendants' Deadline to Answer Complaint; Adjournment of IPTC

Your Honor:

I am one of the attorneys representing Plaintiffs in the above-captioned case. This action is brought derivatively on behalf of Nominal Defendant NextNav, Inc., to recover short swing profits allegedly realized by Defendant Timothy Presutti under Section 16(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78p(b).

The Nominal Defendant and Defendant have each executed waivers of service, and their deadline to respond to the Complaint is set for November 6 and November 27, 2023, respectively (*see* Dkt. 6, 7). An Initial Pre-Trial Conference has been scheduled for November 9, 2023, at 11:30 AM (Dkt. 4).

Counsel for the Nominal Defendant at Hogan Lovells has informed Plaintiffs that NextNav does not have a record of receiving Plaintiff's demand, which Plaintiff alleges was sent to the Company on June 17, 2023 (*see* Compl., Dkt. 1 ¶8). We have informed NextNav that Plaintiff's demand was sent via the Company's website in the form provided to contact the Company but that no confirmation was generated and have offered to provide an Affidavit to this effect.

Nonetheless, for the avoidance of doubt and to avoid further argument, Plaintiff has agreed to request a 60-day extension of the deadline for the Defendant and the Nominal Defendant to respond to the Complaint.

Accordingly, I write with the consent of all parties to request: (1) an extension of the deadline for the Defendant and Nominal Defendant to answer, move, or otherwise respond to the Complaint, until **January 5, 2024**; and (2) an **adjournment of the Initial Pre-Trial Conference** until after the Defendants have responded to the Complaint.

This is the first request for an extension of any case deadline.

Respectfully,

/s/ Miriam Tauber

Miriam Tauber, *Attorney for Plaintiffs*

cc (via ECF): David Lopez, *Co-Counsel for Plaintiffs*

cc (via email): Jon Talotta, Hogan Lovells US LLP (Jon.Talotta@HoganLovells.com)

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